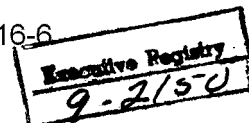


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OGC 7-0495a

1 April 1957

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Director of Central Intelligence as a Career Administrator

1. This memorandum is for information only.
2. Mr. Young's memorandum of February 18 asked all departments and agencies to distinguish between "noncareer political executives" and "career administrators" and to establish policy in regard thereto.
3. In drafting the policy I raised the point that under the concept of the Young letter there were no noncareer political executives in the Central Intelligence Agency. I believe firmly on this point, but it is difficult to point to any one specific authoritative basis for it. It is so firmly established, however, in the concept and history of the Director's position and of the practice which has been followed that I am unable to think of anyone who would seriously differ with it.
4. The various studies and recommendations on the establishment of the Agency, starting with that of General Donovan in 1944, stress the need for objectivity and continuity in carrying out the functions of the Agency. Thus, the Lovett Committee report of 5 November 1945, which was one of the most influential papers in the development of the Central Intelligence theory, recommended that the Director of Central Intelligence be appointed by the President for a six-year term. I recall that in early drafts of the legislation which was finally incorporated in the National Security Act we provided for a 15-year term based on a parallel to the Comptroller General, who can be removed during that term only by a joint resolution of Congress. In the discussions of this provision I recall no dispute with the aim of setting a term in excess of the Presidential term,

MORI/CDF Pages 1 thru 4

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but the provision was dropped on several counts, the main one being that there was no precedent for such a term for a comparable position in the Executive Branch.

5. When the National Security Act was debated on the floor of the House, there was considerable discussion of the Director's position. This centered around the provision that the Director could be either military or civilian. There was a repeatedly expressed feeling that military appointments could be terminated or rotated too rapidly and the incumbents would, therefore, be under pressure from their parent services. Mr. Judd, after quoting your testimony that the man who became Director ought to go into it as a man who goes into a monastery, states, "He ought to take it as J. Edgar Hoover has taken the FBI job--make it his life's work. He certainly ought to be cut completely loose from any ties or responsibilities or connections with any other branch of the Government--civil or military--except the President and the National Security Council." Mr. McCormack said he agreed with Mr. Judd that whoever is appointed should be permanent, but he then goes on to say, "But what is permanency, unless it is appointment for life, with removal as provided for in the case of judges? We cannot give any man any assurance of permanency as far as an administrative position is concerned. The best we can do is as in the case of Mr. J. Edgar Hoover: A man by his personality, a man who impresses himself so much upon his fellowmen that permanency accrues by reason of the character of service that he renders. But J. Edgar Hoover has no tenure for life. He has earned it because of his unusual capacity. I remember in 1933 I was one of those who advocated his reappointment by the late President Franklin D. Roosevelt. A distinguished former member of the House from Alabama, Mr. Oliver, and I went to the President on three different occasions urging the reappointment of J. Edgar Hoover. It was something I was proud to do, because he was the man for the job. But we cannot provide a permanent tenure."

6. In 1953 the Armed Services Committee of the House had hearings on the bill to authorize the appointment of the Deputy Director of Central Intelligence. Again they discussed the problem of changing heads of the Agency. In the hearings the following exchanges took place:

Mr. DURHAM. I am concerned about this organization functioning on a long-time basis.

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Mr. BLANDFORD. That is right; in the future. But at present they are planning to appoint a lieutenant general in the Air Force.

Mr. DURHAM. We have the finest director in the country. I have absolute confidence in Mr. Dulles. I think he is able and is fine. I would like to see him--I want to call this to the attention of the committee. We ought to have a tenure of service for 10 years in this organization. Basically, intelligence can't be operated on a hand-to-mouth basis like we have been trying to operate here since we set it up.

The CHAIRMAN. And it is more like the Comptroller General.

Mr. DURHAM. That is right. (p. 381)

Mr. PRICE. I am ready to vote, too. I just wanted to make a comment in regard to the whole CIA setup.

The CHAIRMAN. Go ahead.

Mr. PRICE. I think you are starting off very badly in the functions and operations of the CIA by the frequent changes in Directors. I think the Director should have a long-term appointment and he should stay there until that term is filled. I think it contributes to the weakness of the organization, the frequent turnover in Directors of the CIA.

The CHAIRMAN. Well, the gentleman from Illinois will recall the other day the gentleman from North Carolina, Mr. Durham, made that very point. But I think it should be flexible and elastic and certainly should hold according to the views and the will of the President.

Mr. PRICE. Yes.

The CHAIRMAN. Because it is such a sensitive organization.

Mr. PRICE. I merely wanted to point out that it contributes to the weakness of the organization, on the frequent turnover of the Director. (p. 392)

Mr. BROOKS. Mr. Chairman, may I make one observation? In light of what Mr. Price and Mr. Durham both said, I think this: If you are going to use a military man all the time there, you will have a natural tendency, of course, to promote him and to limit his tenure of service.

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I rather follow the line of thinking that those two able colleagues of mine have already indicated, and that is, more like the FBI, that we get a good man and keep him in that sort of job, more or less of a permanent nature, rather than shift him as you would a military man every time you changed his grade of classification. So I think it has a lot to think about, when we advance that idea there. (p. 393)

7. I have never seen or heard of any opposition to the views expressed above. I believe it was completely accepted at the time of the congressional investigation at the outbreak of the Korean war that the role of the Central Intelligence Agency and the Director was to furnish completely objective and evaluated intelligence, but not to advocate policies or programs in connection therewith. It is true that you have a function to recommend and advocate policies and programs in the field of coordination and conduct of intelligence activities to both the National Security Council and our parent committees in the Congress, but these are not, I believe, the policies and programs referred to by Mr. Young in his letter and, therefore, do not place you in the category of "noncareer political executives."

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Att-Policy Statement

LAWRENCE R. HOUSTON
General Counsel

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MEMORANDUM FOR: THE DIRECTOR

In signing the policy statement requested by Mr. Philip Young concerning "noncareer political executives" and "career administrators," you requested the basis for the position that CIA has no "noncareer political executives." The attached sets forth the principal material on this point.



LAWRENCE R. HOUSTON
General Counsel

1 April 1957
(DATE)